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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 FRANCISCO JAVIER RETANO,
13 Defendant.

Case No. CR18-105RSL

ORDER CONTINUING
TRIAL AND PRETRIAL
MOTIONS DATES

15 This matter comes before the Court on defendant Francisco Javier Retano's "Motion to
16 Extend Deadline for Pretrial Motions," Dkt. # 17, and "Unopposed Motion to Continue Trial
17 and Pretrial Motions Deadline," Dkt. # 20. Having considered the facts set forth in the motion,
18 the defendant's knowing and voluntary waiver, and the remainder of the record, the Court finds
19 as follows:

20 1. The Court adopts the facts set forth in the motion. Specifically, that trial is
21 currently scheduled for July 2, 2018; that defendant is charged with multiple counts related to
22 the possession and distribution of a controlled substance; that counsel is still awaiting
23 production of discovery that includes hundreds of pages of documents, videos, photographs, and
24 other materials; and that defense counsel requires the assistance of a Spanish language
25 interpreter to communicate with his client.

26 2. The Court accordingly finds that a failure to grant a continuance would deny
27 counsel the reasonable time necessary for effective preparation, taking into account the exercise
28 of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

ORDER CONTINUING TRIAL DATE - 1

1 3. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 4. The Court further finds that such a continuance would serve the ends of justice;
4 that a continuance is necessary to ensure adequate time for defense investigation, effective trial
5 preparation, and an opportunity for defendant to benefit from these efforts; and that these factors
6 outweigh the best interests of the public and the defendant in a more speedy trial, within the
7 meaning of 18 U.S.C. § 3161(h)(7)(A).

8 5. Defendant has signed a waiver indicating that he has been advised of his right to a
9 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
10 that right and consented to the continuation of his trial to a date up to and including November
11 30, 2018, Dkt. # 20-2, which will allow trial to begin on November 13, 2018, as requested.

12 IT IS HEREBY ORDERED that the trial date be continued from July 2, 2018, to
13 November 13, 2018.

14 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to
15 October 5, 2018.

IT IS FURTHER ORDERED that the period of time from the current trial date of July 2, 2018, up to and including November 30, 2018, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

²¹ DATED this 6th day of June, 2018.

Robert S Lasnik
Robert S. Lasnik
United States District Judge